

11/053/005

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE OF ISSUANCE OF GROUND WATER DISCHARGE PERMIT
PERMIT NO. UGW530001

PURPOSE OF PUBLIC NOTICE

THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY IS SOLICITING COMMENTS ON ITS PROPOSAL TO ISSUE A GROUND WATER DISCHARGE PERMIT DESCRIBED BELOW UNDER AUTHORITY OF THE UTAH WATER QUALITY ACT, SECTION 19-5-104(1)(I) UTAH CODE ANNOTATED 1953, AS AMEDED AND UTAH ADMINISTRATIVE CODE R317-6.

PERMIT INFORMATION

PERMITTEE NAME: USMX OF UTAH, INC.

MAILING ADDRESS: P.O. BOX 2650
ST. GEORGE, UT 84770

FACILITY LOCATION: 35 MILES NORTHWEST OF ST. GEORGE, UTAH

USMX OF UTAH, INC. IS REQUESTING A RENEWAL OF THE GROUND WATER DISCHARGE PERMIT TO COVER OPERATION OF THEIR GOLD HEAP LEACH FACILITY AT THE GOLDSTRIKE MINE. OPERATIONS AT THE MINE HAVE CONSISTED OF METALS RECOVERY FROM THE LEACH PADS AND RECLAMATION OF THE MINE PITS AND ROADS. METALS RECOVERY FROM THE LEACH PADS IS ESSENTIALLY COMPLETE AT THIS TIME AND DECOMMISSIONING AND CLOSURE ARE IN PROGRESS. THE CLOSURE PLAN REQUIRED TO BE SUBMITTED AS A COMPLIANCE ITEM WILL DESCRIBE HOW THE CURRENT FACILITIES ARE DECOMMISSIONED AND MANAGED DURING POST OPERATION PERIOD AND POST CLOSURE MONITORING. GROUND WATER IN THE AREA OF THE FACILITY IS CLASSIFIED AS CLASS II DRINKING WATER QUALITY GROUND WATER.

PUBLIC COMMENTS

PUBLIC COMMENTS ARE INVITED ANY TIME PRIOR TO FRIDAY, JUNE 12, 1998. WRITTEN COMMENTS MAY BE DIRECTED TO THE DIVISION OF WATER QUALITY, P.O. BOX 144870, SALT LAKE CITY, UT 84114-4870. ALL COMMENTS RECEIVED PRIOR TO JUNE 12, 1998, WILL BE CONSIDERED IN THE FORMULATION OF FINAL DETERMINATIONS TO BE IMPOSED ON THE PERMIT. A PUBLIC HEARING MAY BE HELD IF WRITTEN REQUESTS ARE RECEIVED WITHIN THE FIRST 15 DAYS OF THIS PUBLIC COMMENT PERIOD, THAT DEMONSTRATE SIGNIFICANT PUBLIC INTEREST AND SUBSTANTIVE ISSUES EXIST TO WARRANT HOLDING A HEARING.

FURTHER INFORMATION

ADDITIONAL INFORMATION MAY BE OBTAINED UPON REQUEST BY CALLING LARRY MIZE AT (801) 538-6146 OR BY WRITING THE AFOREMENTIONED ADDRESS. RELATED DOCUMENTS ARE AVAILABLE FOR REVIEW DURING NORMAL BUSINESS HOURS AT THE DIVISION OF WATER QUALITY, 288 N. 1460 W., SALT LAKE CITY.

FOR THOSE INDIVIDUALS NEEDING SPECIAL ASSISTANCE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY, BUREAU OF HUMAN RESOURCES AT (801) 536-4414

WATER QUALITY BOARD
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE OF ADDENDUM TO CONSENT DECREE GW 90-01

PURPOSE OF PUBLIC NOTICE

THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY IS SOLICITING COMMENTS ON AN ADDENDUM TO THE AUGUST 2, 1991 CONSENT DECREE WITH THE ENSIGN BICKFORD COMPANY (FORMALLY TROJAN CORPORATION). THE 1991 CONSENT DECREE SPECIFIED THE STEPS ENSIGN BICKFORD WAS TO TAKE TO COMPLETE INVESTIGATION AND CLEAN UP OF GROUND WATER CONTAMINATION IN THE VICINITY OF THE TROJAN PLANT SITE. THE ADDENDUM SPECIFIES THE DATES AND STEPS FOR IMPLEMENTING INTERIM CLEAN UP MEASURES AND SETS A DEADLINE OF MARCH 31, 2000 FOR SUBMISSION OF A FINAL CORRECTIVE ACTION PLAN.

PUBLIC COMMENTS

PUBLIC COMMENTS ARE INVITED ANY TIME PRIOR TO 5:00 P.M. JUNE 5, 1998. A PUBLIC HEARING MAY BE HELD IF WRITTEN REQUESTS ARE RECEIVED WITHIN THE FIRST 15 DAYS OF THIS PUBLIC COMMENT PERIOD THAT DEMONSTRATE SIGNIFICANT PUBLIC INTEREST AND SUBSTANTIVE ISSUES EXIST TO WARRANT HOLDING A HEARING. COMMENTS MAY BE DIRECTED TO:

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
288 NORTH 1460 WEST
SALT LAKE CITY, UTAH 84116

FURTHER INFORMATION

ADDITIONAL INFORMATION MAY BE OBTAINED UPON REQUEST BY CALLING JOHN WHITEHEAD AT (801) 538-6146 OR BY WRITING THE AFOREMENTIONED ADDRESS. THE ADDENDUM IS AVAILABLE FOR REVIEW DURING NORMAL BUSINESS HOURS AT THE DIVISION OF WATER QUALITY (288 NORTH 1460 WEST, SALT LAKE CITY).

FOR THOSE INDIVIDUALS NEEDING SPECIAL ASSISTANCE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY, BUREAU OF HUMAN RESOURCES AT (801)536-4414



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

Don A. Ostler, P.E.
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m/053/005

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Don A. Ostler, P.E.
Executive Secretary

May 7, 1998

Doug Jensen
Environmental Coordinator
USMX of Utah
P.O. Box 2650
St. George, UT 84770

RE: Public Notice of Draft Ground Discharge Permit No UGW23001

Dear Mr. Jensen:

Enclosed you will find the a copy of the draft permit and statement of basis for the above referenced permit as it will be public noticed for comment. Also included is a copy of the public notice as it will be published. In the preparation of this draft, the comments contained in your April 2, 1998 letter were considered in the following manner:

1. You asked that in the establishment of permit protection levels, the compliance actions resulting from previous spills be given consideration in that the contamination resulting from the spills has affected the ambient water quality in the vicinity. While we agree ground water has been impacted, the previous actions did not result in the establishment of alternate permit concentration limits. Therefore, current permit protection levels remain as the ground water quality benchmark. Accordingly, while the level for Nitrate in well Nos. MW2 and MW7 has become elevated, we are precluded from raising these permit standards without first satisfying the provisions of R317-6-6.4D. However, the issuance of this permit with these protection levels would not preclude you from pursuing the establishment of such permit limits as justified by the appropriate contaminant investigation. In the interim the discretion allowed the Executive Secretary on determining an appropriate course of action will continue to be used to allow you to monitor and suggest a plan of action if necessary and warranted. In setting a protection level for Thallium without extensive background monitoring, we would base any assessment of non-compliance on a statistical increase over a period of time and accelerated monitoring as provided in R317-6-6.16.B

2. You noted an apparent discrepancy between quarterly and semiannual monitoring from the down-gradient water quality monitoring wells. However after reviewing the two permit provisions, we feel you may have misinterpreted the requirement for reporting to be a monitoring frequency requirement. You will note that we did relax the monitoring frequency for these wells to semi-annually, but retained the requirement for quarterly reporting of your different water quality and performance based monitoring. This means in every other quarter you would only be reporting the leak detection and

Doug Jensen
May 7, 1998
Page 2

other such data. It does not mean you need to collect and perform water quality monitoring from the wells.

3. We have incorporated the latitude-longitude survey information you provided on your wells and express our appreciation on your attaining this for our records.

Upon completion of the comment period and satisfactory resolution of any comments that are received, the new permit will be reissued. Until that time you will remain under the conditions of the existing permit. Should you have any questions concerning the above, please contact Larry Mize of this office.

Sincerely,



Fred C. Pehrson, P.E., Manager
Permits, Compliance & Monitoring Branch

FCP:ljm/fb

Enclosures(3)

cc: SW District Health Dept. (W/ encl)
Wayne Thomas, District Engr. (W/ encl)
DOGM (W/ encl)
JBR Environmental Consultants (W/ encl)
BLM (w/encl)

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
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PUBLIC COMMENTS

PUBLIC COMMENTS ARE INVITED ANY TIME PRIOR TO MONDAY, MAY 25, 1998. WRITTEN COMMENTS MAY BE DIRECTED TO THE DIVISION OF WATER QUALITY, P.O. BOX 144870, SALT LAKE CITY, UT 84114-4870. ALL COMMENTS RECEIVED PRIOR TO MAY 25, 1998, WILL BE CONSIDERED IN THE FORMULATION OF FINAL DETERMINATIONS TO BE IMPOSED ON THE PERMIT. A PUBLIC HEARING MAY BE HELD IF WRITTEN REQUESTS ARE RECEIVED WITHIN THE FIRST 15 DAYS OF THIS PUBLIC COMMENT PERIOD, THAT DEMONSTRATE SIGNIFICANT PUBLIC INTEREST AND SUBSTANTIVE ISSUES EXIST TO WARRANT HOLDING A HEARING.

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USMX GOLDSTRIKE MINE
STATEMENT OF BASIS
GROUNDWATER DISCHARGE
PERMIT NO. UGW530001
MAY 4, 1998

DRAFT

1. INTRODUCTION

The Goldstrike Mine is located 35 miles northwest of St. George in Washington County, Utah. The mine is operated under, a Notice of Intent approved by the Utah Division of Oil, Gas and Mining, a Plan of Operations approved by the Bureau of Land Management, Construction and Groundwater Discharge permits approved by the Utah Division of Water Quality and various other State and County permits.

Initial construction and mine development work by Tenneco Minerals began in August of 1988 and has gone through several stages of growth and permitting. USMX, Inc. bought the operation in November of 1992 and is the parent company of the current operator, USMX of Utah, Inc. Mining of ore at Goldstrike ended in October of 1994. Since this time operations at the mine have consisted of metals recovery from the leach pads and reclamation of the mine pits and roads. Metals recovery from the leach pads is essentially complete at this time and decommissioning and closure are in progress.

2. FACILITIES DESCRIPTION

Ponds

There are six High Density Polyethylene (HDPE) lined ponds constructed at the site all of which are lined with compacted low permeability clay layer below the HDPE liner. Four ponds, the Pregnant Solution (preg), Barren Solution (barren), Recycle and Rinse Water are double lined with HDPE with a leak detection/collection sump between the layers. The remaining two ponds, the Hamburg pond and Fresh Water Pond, have a single HDPE liner with a leak detection/collection sump below the HDPE liner.

Two earthen ponds which are constructed in the backfilled East Hamburg pit are not a part of the process facilities. The two earthen ponds have a combined capacity of 7,300,000 gallons.

Leach Pads

There are two leach pads at Goldstrike. Each pad was constructed with 12 inches of low permeability clay base. Above this is 6 inches of gravel which is divided into leak detection cells that drain into a collection ditch. Above the gravel is an additional layer of low permeability clay which is covered by the HDPE liner. A two foot minimum depth of crushed drain rock base was placed on the pad prior to ore loading. The leach pads were constructed in a sloped manner so that the solution travels through the drain rock to the lower margins of the pads. Lined collection ditches were constructed along the low side of the pads through which solutions are directed to drop collection sumps. Water from the sumps flow through a pipeline to the pregnant solution pond.

Leach pad 1 has a surface area of 14.7 acres and has been loaded to a depth of approximately 100 feet. Pad 2 covers 35.8 acres and has an ore loading depth of approximately 200 feet. Leach pad 1 and 2 have a contained volume of 1,921,500 and 5,989,822 tons of ore respectively.

3. WASTE MINIMIZATION STANDARDS

Water Quality Protection Levels - Compliance with ground water protection levels shall be demonstrated by data from four compliance monitoring wells in accordance with the procedures specified in Paragraph E of the permit. If future monitoring data indicates an exceedance of protection levels, compliance status will be determined in accordance with R317-6.6.17 including if necessary reference to methods described in the EPA Interim Final Guidance Documents entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", dated February, 1989 and the July 1992 draft addendum to the Interim Final Guidance. Subsequent updates of this document shall be utilized as available and appropriate.

Technology Performance Standard- The intent of the general standard is the prevention of the migration of wastewater at an excessive rate into the aquifer by the proper construction and operation of the facilities. Accordingly achievement of this standard would reduce the risk of water quality standards be exceeded. Numerically this will be shown by:

- a. No detection of process fluids in leak detection heap leach pad sumps.
- b. Flow rate for leakage into ponds sumps shall not exceed 200 gallons per acre per day.

Closure Plan - The Closure Plan required to be submitted under Part I.H.1 of the permit will become incorporated by reference upon approval by the Executive Secretary. This will describe how the current facilities are decommissioned and managed during post operational period and post closure monitoring.

Permit No.: UGW230001

DRAFT

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. BOX - 16690
SALT LAKE CITY, UTAH 84116-0690

Ground Water Quality Discharge Permit

In compliance with the provisions of the Utah Water Pollution Control Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended,

USMX of Utah
Goldstrike Mine
P.O. Box 2650
St. George, Utah 84770

is granted a Ground Water Quality Discharge Permit for the Goldstrike Mine Heap Leach Facilities located from latitude 37° 22' 15" to 37° 23' 30" North, and from longitude 113° 52' 30" to 113° 55' 45" West in accordance with conditions set forth herein.

This Ground Water Quality Discharge Permit supersedes all other Ground Water Discharge permits for this facility issued previously.

This permit shall become effective on _____

This permit and the authorization to operate shall expire at midnight _____

Signed this _____th day of _____

Executive Secretary
Water Quality Board

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2. Compliance Determination Method - Compliance with ground water protection levels shall be demonstrated by data from four compliance monitoring wells in accordance with the procedures specified in Paragraph E. If future monitoring data indicates an exceedance of protection levels, compliance status will be determined in accordance with R317-6.6.17 including if necessary reference to methods described in the EPA Interim Final Guidance Documents entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", dated February, 1989 and the July 1992 draft addendum to the Interim Final Guidance. Subsequent updates of this document shall be utilized as available and appropriate.

D. Post Operation Discharge Minimization Technology

1. Facility Design Standard- The initial operating facility was designed and constructed during its operating period according to the plans and specifications approved in Contruction Permits approved in Nov. 3, 1988, Feb. 26, 1990, and May 1, 1990. Subsequent to the termination of operation, the heap leach pads are being closed with a vegetative cover. The cover will consist of graded and compacted subore and six to eight inches of top soil. The top soil will be seeded in accordance with Division of Oil Gas and Mining (DOGM) reclamation requirements. At a minimum vegetation must be established to a density consistent with DOGM requirements.
2. Technology Performance Standard- The general standard to be achieved in previously administered groundwater discharge permits and future post operational permits is the prevention of any migration of wastewater in a quantity that would cause concentrations in the aquifer to exceed levels for the established beneficial use of the aquifer. Numerically this will be shown by:
 - a. No detection of process fluids in leak detection heap leach pad sumps
 - b. Flow rate for leakage into pond sumps shall not exceed 200 gallons per acre per day.
3. Closure Plan - The Closure Plan required to be submitted under Part I.H.1 will become incorporated by refrence upon approval by the Executive Secretary.

E. Compliance Monitoring Requirements

1. Protection Level Point of Compliance - The permittee will continue to monitor four monitoring wells at the mine site. All four wells will be used as compliance monitoring points. The locations of these wells are described below.
 - a) Compliance Monitoring Well MW-2: Latitude 37°23'11.32"- Longitude 113°52'50.56"

conductance.

ii) Laboratory Parameters - including:

- Major Anions and Cations: including chloride, sulfate, carbonate, bicarbonate, sodium, potassium, magnesium and calcium.
- Protection Level Parameters - found in Table 1 of Part I C, above.
- Weak Acid Dissociable Cyanide
- Cyanide Amenable to Chlorination
- Cyanide Degradation Products, including: ammonia and nitrite.

3. Discharge Minimization Performance Standard Monitoring - During the period beginning with the effective date of the permit and lasting the term of the permit or as stated in an approved closure plan, the permittee shall demonstrate compliance with the performance standard for the pads and ponds.

a. Procedures for pads.

- (1) frequency - slotted HDPE 1 1/2-inch leak detection pipes of all pads shall be visually monitored daily during operation for the presence of fluids, and the results recorded in a log maintained by the operator. The leak detection sumps are located along the solutions margin of each leach pad.
- (2) sampling - upon detection of fluids in the sumps, samples will be immediately analyzed for the following constituents: pH; Cyanide (total, WAD and free), Arsenic, TDS, and Nitrate-Nitrite.
- (3) reporting leakage -
 - (a) Leakage must be reported to the DWQ by phone within 24 hours and in writing within five days if process fluid is detected in any leak detection line or sump from any pad.
 - (b) Addresses and phone numbers for reporting are in Part II.

b. Leakage Detection Monitoring Procedures for process and fresh water ponds.

- (1) frequency - daily monitoring for the presence of fluid shall be conducted by the permittee at the standpipe installed to the sump

- a) Immediately resample the monitoring well(s) found to be in probable out-of-compliance, for the protection level parameters that have been exceeded. Submit the analytical results thereof, and notify the Executive Secretary of the probable out-of-compliance status within 30 days of the initial detection.
 - b) Immediately implement an accelerated schedule of monthly ground water sampling and analysis, consistent with the requirements of Part I.E.2. This monthly sampling will continue for at least two months or until the compliance status can be determined by the Executive Secretary. Reports of the results of this sampling will be submitted to the Executive Secretary as soon as they are available, but not later than 30 days from each date of sampling.
2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Limits
- a) Out of Compliance Status shall be defined as follows:
 - 1) Out-of-compliance shall be defined as 2 consecutive samples from a compliance monitoring point exceeding the established protection level.
 - b) Notification and Accelerated Monitoring - upon determination by the permittee or the Executive Secretary, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the permittee shall:
 - 1) Verbally notify the Executive Secretary of the out-of-compliance status or acknowledge Executive Secretary notice that such a status exists within 24 hours, and
 - 2) Provide written notice within 5 days of the determination, and
 - 3) Continue an accelerated schedule of monthly ground water monitoring for at least two months and continue monthly monitoring until the facility is brought into compliance.
 - c) Source and Contamination Assessment Study Plan - within 30 days of the verbal notice to the Executive Secretary required in Part I.F.2(b), above, the permittee shall submit an assessment study plan and compliance schedule for:
 - 1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.

received, ion balance; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.

- 3) Electronic Filing Requirements - In addition to submittal of the hard copy data, above, the permittee will be required to electronically submit the required ground water monitoring data in an electronic format and at a date established by the Executive Secretary. The data may be sent by e-mail, floppy disc, modem or other approved transmittal mechanism.

H. Compliance Schedule

1. Final Closure Plan - The permittee shall submit a Final Closure Plan for approval by the Executive Secretary within 180 days of the issuance of this permit. The Final Closure Plan will address the final heap leach pad configuration and cover, the closure of the process ponds and the long term management of leachate from the leach pads. The Executive Secretary will review the plan and either issue an approval or send written notice of deficiencies thereto. Within 90 days of receipt of notice of deficiencies the permittee will revise the Final Closure Plan and resubmit the Plan for approval. Upon approval by the Executive Secretary the Final Closure Plan will become an enforceable Appendix A to this permit.
2. Revised Post Operational Permit Monitoring Plan - The permittee shall submit a revised monitoring plan within 180 days of the issuance of this permit which satisfies the provisions of UAC R317-6-6.3L.

- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall verbally report any noncompliance with permit conditions or limits as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 538-6333, or to the Division of Water Quality, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).
 2. A written submission of any noncompliance with permit conditions or limits shall be provided to the Executive Secretary within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - e. When applicable, either an estimation of the quantity of material discharged to the tailings impoundment or an estimation of the quantity of material released outside containment structures.
 3. Written reports shall be submitted to the addresses in Part II D, Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of the Utah Water Quality Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Spill Reporting - The Permittee shall immediately report as per UCA 19-5-114 of the Utah Water Quality Act any spill or leakage from the tailings impoundment or associated facilities which is not totally contained by a collection system. This report shall be made to the phone numbers given in Part II I 1. A written report will be required within 5 days of the occurrence and should address the requirements of UCA 19-5-114 and Part II I 2 and 3 of this permit.
- D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.

information, including the possibility of fine and imprisonment for knowing violations."

- I. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- J. Availability of Reports. Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
 - 1. The current permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;
 - 2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 - 3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement as described in Part IV.M.2, above.

Appendix A- Final Closure Plan

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